

Application No. 10/687,387

Docket No. 66209-0001

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REMARKS

Claims 1, 2, 4-9, 11, 12, and 14 were pending. Applicant has amended claims 1 and 4-8 to better define the invention. In addition, Applicant has canceled claims 11, 12, and 14 without prejudice and added claims 15-22. No new matter has been added. Therefore, claims 1, 2, 4-9, and 15-22 are currently pending. The Examiner rejected claims 1, 2, and 4-9 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,748,577 to O'Callaghan in view of the non-patent literature "A Brief Catechism on the Brown Scapular" (BCBS). Applicant respectfully traverses the Examiner's rejection and requests reconsideration of the pending claims in view of the preceding amendments and the following remarks.

Independent claims 1 and 6 are directed to a religious object having a necklace and at least one pendant. Each pendant has a front and a rear face defining a cavity therebetween. At least one piece of wool is disposed within at least one of the cavities. Further, at least one piece of wool is exposed from within at least one of the cavities. As an example, independent claim 1 as amended recites a pendant having a front and a rear face, which define "a cavity therebetween, said at least one piece of wool is disposed within said cavity of said pendant, and at least one of said faces includes an opening which exposes said at least one piece of wool from within said cavity." Independent claim 6 recites a similar feature. Applicant submits that neither O'Callaghan nor BCBS, either alone or in combination, disclose a scapular having at least one of said front and rear faces exposing a piece of wool from within the cavity, as required by amended claims 1 and 6.

Rather, O'Callaghan discloses a scapular having a casing and a pivotally attached frame piece. The casing is constructed from two closed surface half plates resembling a book. The two half plates form a cavity therebetween for inserting the frame piece. According to Figures 1 and 4 and col.1, lines 3-32 of O'Callaghan, the frame piece, having the attached brown cloth, pivotally rotates into the cavity of the casing enclosing and covering the brown cloth within. Because the casing half plates are closed surfaces, the brown cloth from the frame piece is not exposed from within the cavity. Therefore, O'Callaghan does not disclose a scapular wherein at least one of the front and rear faces exposes at least one piece of wool from within at least one cavity, as required by independent claims 1 and 6.

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"To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." See M.P.E.P. §2143.03. Because O'Callaghan does not teach or suggest a scapular having a cavity wherein at least one of the pieces of wool are exposed from within the cavity through at least one of the front and rear faces. Applicant submits that the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. §103. Consequently, independent claims 1 and 6 are allowable over the cited references and in condition for allowance. In addition, claims 2, 4-9, 11, 12, and 14-22, which depend from independent claims 1 and 6, are also allowable for at least the same reasons.

Finally, Applicant submits that the addition of the BCBS non-patent literature does not cure the deficiencies in O'Callaghan, as discussed above. The BCBS literature teaches a brown scapular being made from two pieces of dark brown cloth, traditionally wool, connected over the shoulders by strips of cloth or ribbon. Alternatively, the BCBS teaches a scapular medal showing the Sacred Heart on one side, and an image of Mary on the other (e.g., last full paragraph on page 2 through page 3). The BCBS reference teaches either a brown cloth scapular or a medal scapular. There is no suggestion or motivation anywhere in the BCBS reference that teaches a combination of the two scapulars. Moreover, even if a suggestion or motivation to combine existed, neither the BCBS article nor the O'Callaghan reference, either alone or in combination, teach all of the features of the scapular in the pending claims.

For at least these reasons, claims 1, 2, 4-9, and 15-22 are allowable over the cited references and in condition for allowance. Applicants respectfully request reconsideration and withdrawal of the rejection.

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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw all rejections and pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66209-0001 from which the undersigned is authorized to draw.

Dated: March 7, 2005

Respectfully submitted,

By _____
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